

# STATE OF RHODE ISLAND

## RHODE ISLAND ETHICS COMMISSION

### PROPOSED AMENDED REGULATION 36-14-12001

---

1   **Regulation 36-14-12001 Preliminary Investigations.**

2   Pursuant to its constitutional authority to investigate violations of the State's Code of Ethics (R.I.  
3   Const., art. III, sec. 8) and its statutory empowerment to investigate allegations of violations of  
4   the provisions of R.I. Gen. Laws § 36-14-1, et seq. (R.I. Gen. Laws § 36-14-12(a)), the Rhode  
5   Island Ethics Commission adopts the following procedures for the preliminary investigation of  
6   allegations of violations of the Code of Ethics.

7   (a)   Upon a determination by the Executive Director of the Commission that information  
8         provided to and/or in the possession of the Commission and/or its staff establishes a  
9         reasonable basis to believe that a state or municipal official or employee, as those terms  
10        are defined in R.I. Gen. Laws § 36-14-1, et seq., may have violated provisions of R.I.  
11        Gen. Laws § 36-14-1, et seq., the State's Code of Ethics, the Executive Director, within a  
12        reasonable time, shall provide the Commission with written notification that a  
13        preliminary investigation has been initiated including the date the preliminary  
14        investigation file was opened, the subject(s) and/or subject matter of the preliminary  
15        investigation, and the nature and source(s) of the information that establishes a  
16        reasonable basis that a state or municipal official or employee may have violated  
17        provisions of R.I. Gen. Laws § 36-14-1, et seq., the State's Code of Ethics.

18   (b)   All files, documents or other materials relating to a preliminary investigation, including  
19         but not limited to written notifications, pleadings, records of counsel and investigators,  
20         subpoenas and pleadings requesting the issuance of subpoenas, documentary evidence,  
21         and records of witness statements, whether written or recorded by other means, shall  
22         remain confidential, except as follows:

23        (1)   the Commission, itself or through its Executive Director, may at any time grant  
24               access to any information related to and/or obtained during a preliminary ,  
25               investigation to any federal, state or municipal law enforcement agency;

# STATE OF RHODE ISLAND

## RHODE ISLAND ETHICS COMMISSION

### PROPOSED AMENDED REGULATION 36-14-12001

---

(2) the Commission, itself or through its Executive Director or his/her designee, may in a complaint filed with the Commission pursuant to R.I. Gen. Laws § 36-14-12(b) disclose information related to and/or obtained during a preliminary investigation; and,

(3) the Commission, itself or through its Executive Director or his/her designee, shall disclose information related to and/or obtained during a preliminary investigation in accordance with the provisions of R.I. Gen. Laws § 36-14-12(c)(4).

(c) In accordance with R.I. Gen. Laws § 36-14-12(a)(1) the Commission, its Executive Director or his/her designee, through the issuance of subpoenas, may compel the attendance of witnesses and require the production of documents as follows:

(1) no subpoenas may issue until written notification of the initiation of a preliminary investigation is made to the Commission pursuant to subsection (a) of this regulation; and,

(2) issuance of a subpoena(s) as part of a preliminary investigation shall be in accordance with the provisions of Commission Regulation 36-14-1009.

(d) No later than sixty (60) days from the initiation of a preliminary investigation the ~~Commission, itself or through its Executive Director or his/her designee,~~ shall complete ~~its the~~ preliminary investigation and ~~the Executive Director or his/her designee~~ shall file a report with the full Commission detailing the results of said investigation, including whether or not the Executive Director or his/her designee intends to file a complaint with the Commission pursuant to R.I. Gen. Laws § 36-14-12(b) as a result of said investigation. Upon a showing of good cause the Commission may grant an extension of time for the filing of said report.

(e) The only decision made by the Commissioners during the preliminary investigation stage is whether there is good cause for an extension of time. The Commission shall not

# STATE OF RHODE ISLAND

## RHODE ISLAND ETHICS COMMISSION

### PROPOSED AMENDED REGULATION 36-14-12001

---

51 engage in any review of the substance of the complaint relating to the merits of the  
52 complaint.

53 (e) (f) The Executive Director or designee shall provide the Commission with quarterly reports  
54 identifying all open preliminary investigations.

55 (f) (g) The Executive Director or designee shall provide the Commission with notice when a  
56 preliminary investigation is closed without the filing of a complaint.

#### 57 58 59 60 61 62 CONCISE SUMMARY OF NON-TECHNICAL AMENDMENT

64 This amendment clarifies that during the preliminary investigation stage of a complaint,  
65 the Commission's only role is to determine whether there is good cause to allow an  
66 extension of time to conduct the investigation. It also clarifies that the Executive  
67 Director or his/her designee may compel the attendance of witnesses and require the  
68 production of documents.